

**OPINION
43-66**

December 21, 1943(OPINION)

LIQUOR

RE: Sales

I have your letter of December 20, in which you state that certain persons are criticizing you for not selling liquor and beer to service men under the age of twenty-one years. You inquire whether you can legally make such sales.

Under the provisions of the Initiated Beer Act, section 9 of the Act provides that no retailer "shall be permitted under the provisions of this Act to sell beer to a minor. . . ."

Under the provisions of section 4335 of the 1913 Compiled Laws, minors are defined as "males under twenty-one years of age. 2. Females under eighteen years of age."

There is nothing in the law that makes any exception to the prohibition against sale to minors in the case of service men. Perhaps that should have been done, but our Legislature has not seen fit to do so, and the penalties of the law can be invoked against you, if you violate the provisions of these Acts. I am not going to discuss with you whether the law should be changed or not. That, of course, is a matter that the Legislature must decide, and is not a matter for the administrative branch of the government to be concerned with. Until the Legislature does change the law, however, it is the duty of every public official, who has taken an oath of office to uphold the law, to do his best to see that the law is enforced.

ALVIN C. STRUTZ
Attorney General